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Hon. Philip H. Brandt
Chapter: 7
Location: Seattle

Attorneys for Creditor
Check Into Cash of Washington, Inc.

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:

RUPANJALI SNOWDEN,

Debtor.

Bankr. Case No. 09-10318-PHB
Internal Appeal No. 10-S043
Dist. Court Case No. 10-1947-RSL

**APPELLANT'S DESIGNATION OF
RECORD AND STATEMENT OF ISSUES
ON APPEAL**

I. DESIGNATION OF RECORD ON APPEAL

Creditor-Appellant Check Into Cash of Washington, Inc. designates the following items to be included in the record on appeal.

Document	Description
Trial Exhibit P-1	U.S. Bank Statement (Feb. 10, 2009 – Mar. 9, 2009)
Trial Exhibit P-2	Check Into Cash Consumer Loan Agreement
Trial Exhibit P-3	Check Into Cash's "Guidelines for Bankruptcy and CCCS Accounts
Trial Exhibit P-4	Check Into Cash's "Collection Standards"
Trial Exhibit P-5	PACER search results, dated Feb. 17, 2010
Trial Exhibit P-6	Bankruptcy Notice of Creditor's Meeting under 11 U.S.C. § 341

APPELLANT'S DESIGNATION OF RECORD AND
STATEMENT OF ISSUES ON APPEAL:
Bankr. No. 09-10318-PHB
Internal Appeal No. 10-S043
Dist. Court No. 10-1947-RSL- 1

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Trial Exhibit P-7	Rupanjali Snowden Bankruptcy Petition, Schedule F
Trial Exhibit P-8	Personal check for \$575.00 to the order of Check Into Cash
Trial Exhibit P-9	Printout of certain pages from Check Into Cash's website
Trial Exhibit P-17	Printout of electronic stop payment order
Trial Exhibit P-18	Table of attorneys' fees and incurred by Ms. Snowden in connection with this Motion for Sanctions
Trial Exhibit P-23	Printout of report from PACER Case Locator, dated Nov. 2, 2010
Trial Exhibit P-27	Collection notes from Check Into Cash's Sequim office
Trial Exhibit P-28	Printout of collection notes from Check Into Cash's corporate office
Trial Exhibit P-30	Check Into Cash's policy entitled "The day the Check is due"
Trial Exhibit D-1	U.S. Bank Statement (Sept. 10, 2008 – Oct. 8, 2008)
Trial Exhibit D-2	U.S. Bank Statement (Oct. 9, 2008 – Nov. 10, 2008)
Trial Exhibit D-3	U.S. Bank Statement (Dec. 9, 2008 – Jan. 9, 2009)
Trial Exhibit D-4	U.S. Bank Statement (Jan. 10, 2009 – Feb. 9, 2009)
Trial Exhibit D-5	U.S. Bank Statement (July 9, 2009 – Aug. 11, 2009)
Trial Exhibit D-7	E-mail from Lauren Hosie to Christina Henry, dated May 20, 2009
Trial Exhibit D-10	Printout from website of U.S. Bankruptcy Court
Docket No. 189	Declaration of Amit D. Ranade attaching Demonstrative Trial Exhibits
Trial Transcript	Transcript trial held on November 1 and 2, 2010
Ruling Transcript	Transcript of Judge Brandt's oral ruling

II. STATEMENT OF ISSUES

This appeal presents the following issues:

1. Debtors seeking damages for emotional distress under 11 U.S.C. § 362(k) must establish with clear evidence that they suffered significant harm. The Bankruptcy Court applied a preponderance of evidence standard in deciding that Debtor Rupanjali Snowden was entitled to an

1 award of emotional distress damages. Did the Bankruptcy Court commit error by applying the
2 wrong standard of proof?

3 2. In the absence of corroborating evidence, a Debtor seeking damages for emotional
4 distress must establish that a reasonable person would suffer significant emotional harm under the
5 circumstances in addition to establishing her own significant harm. In this case, the Bankruptcy
6 Court awarded emotional distress damages based on inadvertent post-petition telephone calls and
7 an inadvertent post-petition check transaction.

8 a. With respect to the telephone calls, did the Bankruptcy Court commit error
9 in finding that Ms. Snowden suffered significant harm from the phone calls despite
10 undisputed evidence that she made no effort to stop the calls and the fact that her Motion
11 for Sanctions does not even mention them?

12 b. With respect to the check transaction, did the Bankruptcy Court commit
13 error in finding that a temporarily overdrawn bank account with no purchasing restrictions
14 would cause a reasonable person would suffer significant emotional harm?

15 3. Punitive damages are appropriate to deter future violations of the automatic stay,
16 and courts impose them on parties that have demonstrated a reckless or callous disregard for the
17 law or rights of others. The uncontroverted evidence in this case establishes that Check Into Cash
18 has detailed policies and practices designed to comply with the Bankruptcy Code and that these
19 policies have successfully resolved every check transaction involving a bankruptcy debtor until
20 this case. The Bankruptcy Court nevertheless punished Check Into Cash for failing to have a
21 policy that addresses the unique circumstance of this case. Did the Bankruptcy Court commit
22 error by misapplying the standard for punitive damages?

1 DATED this 15 day of December, 2010.

2 HILLIS CLARK MARTIN & PETERSON P.S.

3
4 By 

Amit D. Ranade, WSBA #34878

Alexander M. Wu, WSBA #40649

Attorneys for Creditor

Check Into Cash of Washington, Inc.

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